IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21904 of 2007(G)

CMP.2054/2007 of J.M.F.C.,VARKALA

.....

PETITIONER:

SHAHUL HAMEED, "SHALAS", KAPPIL,
EDAVA, VARKALA.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

JUBAIRIYA BEEGUM, "SHALAS", KAPPIL,
EDAVA, VARKALA.

BY G.P. SRI. GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c) NO. 21904 OF 2007-G

Dated this the 17th day of July, 2007

JUDGMENT

Against the petitioner, proceedings have been initiated under the provisions of the Protection of Women from Domestic Violence Act and an ad interim ex parte order was passed against the petitioner restraining him from alienating an item of property without the permission of the learned Magistrate until further orders. The petitioner has come to this Court to challenge that order which has been communicated to the petitioner under Ext.P1.

2. According to me, it is for the petitioner to appear before the learned Magistrate and seek vacation/modification of the interim ex parte order passed. The learned Magistrate must certainly consider such prayer for vacation/modification forthwith and pass appropriate orders. If the petitioner is

aggrieved by such order, his right to file an appeal under Sec.29 of the said Act will certainly be there. I find no reason to entertain this application under Sec.482 of the Cr.P.C. against the order now.

3. In the result, this writ petition is dismissed; but with the above observations.

4. Hand over a copy of this judgment to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge